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Attorney Docket No. P-692

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David P. Hornby, et al.

Serial No. 10/058,151

Filing date: 01/25/2002

For: **MAXAM GILBERT G/A SEQUENCE
ANALYSIS BY DHPLC**

Art Unit No. 1655

Examiner: Not Yet Assigned

Confirmation No. 4845

**RESPONSE TO NOTICE TO COMPLY WITH
REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO
ACID SEQUENCE DISCLOSURES**

Assistant Commissioner
For Patents
Washington, D.C.

Attn: Customer Service Center
Initial Patent Examination Division

Sir:

In response to the Notice to Comply With Requirements For Patent Applications mailed 07/22/2002, Applicants submit herewith a substitute Sequence Listing in compliance with 37 CFR §§1.821(g). A copy of the Notice to Comply (Part 2) is also enclosed.

The attached sequence complies with the sequence listing requirements as set forth in 37 CFR 1.821-1.825, and is appended to the specification by the Preliminary Amendment filed June 18, 2002.

I hereby state that this Sequence Listing submission, filed in accordance with 37 CFR 1.821(g), does not include new matter.

I further state that the information recorded in computer readable form (CRF) found on the enclosed disk is identical to the written sequence listing attached hereto.

If anything further is required to put this application in order, the Examiner is invited to call the attorney of record at the number listed below.

Respectfully submitted,

Date: 9-17-02

John F. Brady

John F. Brady
Attorney of Record
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Transgenomic, Inc.
2032 Concourse Drive
San Jose, CA 95131



Attorney Docket No. P-692

Handwritten: 1655/Box Seq
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David P. Hornby, et al.

Art Unit No. 1655

Serial No. 10/058,151

Examiner: Not Yet Assigned

Filing date: 01/25/2002

Confirmation No. 4854

For: **MAXAM GILBERT G/A SEQUENCE
ANALYSIS BY DHPLC**

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL
(37 C.F.R. §1.8)**

Assistant Commissioner
for Patents
Washington, D.C. 20231

Attn: Customer Service Center
Initial Patent Examination Division

Sir:

I hereby certify that the following documents (including Postcard, Transmittal Form, Response to Notice to Comply With Requirements for Patent Applications... (2 pgs); Sequence Listing in Compliance with 37 C.F.R. §§1.821-1.825 (2 pgs); Copy of Notice to Comply with Requirements... – Part 2 (1 pg); and CRF of Sequence Listing (1 disk), attached hereto, are being deposited with the United States Postal Service as first class mail in an envelope addressed to: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202, on September 17, 2002.

Vivian Y. Buijten
Typed Name of Person Mailing Correspondence
[Signature]
Signature of Person Mailing Correspondence




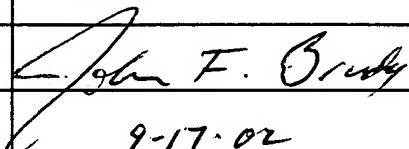
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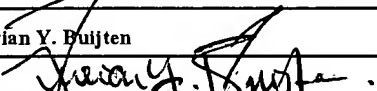
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/058,151	
	Filing Date	01/25/2002	
	First Named Inventor	David P. Hornby, et al.	
	Group Art Unit	1655	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	8	Attorney Docket Number	P-692

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	2 pages Sequence Listing; Part 2 (copy of Notice to Comply); 1CRF disk; Postcard; Certificate of Mailing - First Class
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	John F. Brady Transgenomic, Inc. 
Signature	 25732 PATENT, TRADEMARK OFFICE
Date	9-17-02

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: September 17, 2002			
Typed or printed name	Vivian Y. Buijten		
Signature		Date	9/17/2002

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/058,151	01/25/2002	David P. Hornby	P-692

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RECEIVED

JUL 26 2002

IP LEGAL DEPT

CONFIRMATION NO. 4854

FORMALITIES LETTER



OC000000008489850

Date Mailed: 07/22/2002

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE